

KENYA

a. SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
I. TERRITORIAL SEA	Jun 69 May 72	Presidential Proclamation Territorial Waters Act, Act No. 2	12nm 12nm	
II. ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	May 72	Territorial Waters Act, Act No. 2		Established straight baseline system; claimed Ungwana (Formosa) Bay as an historic bay. This claim is not recognized by the U.S. U.S. conducted operational assertion in 1990.
III. CONTIGUOUS ZONE	1982	12nm		
V. FISHING ZONE/EEZ	Feb 79 Aug 89 1989 Mar 95	Presidential Proclamation The Maritime Zones Act Amendments to the Fisheries Act	200nm	EEZ: Northern and southern lateral limits cited in proclamation. Provides for the establishment and delimitation of the EEZ; provides for the exploration and exploitation and conservation and management of the resources of Kenya's maritime zones. Aligns the Fisheries Act to the extended zone. Map depicting Kenya's EEZ was deposited with the Secretary-General of the UN. The Ministry of Foreign Affairs and International Cooperation informed UN that effective March, 1995, all unauthorized foreign fishing vessels must cease and desist from fishing in Kenya's EEZ.
VII. MARITIME BOUNDARIES	Jul 76	Diplomatic Notes		Maritime boundary agreement with Tanzania EIF.
VIII. LOS CONVENTION	Dec 82 Mar 89 Jul 94			Signed. Ratified. Definitively signed Part XI Agreement.

b. DOMESTIC LEGISLATION AND REGULATIONS

1. STRAIGHT BASELINES

A. LEGISLATION. Following is the text of the Territorial Waters Act No. 2 of 1972 in which the Government of Kenya specified straight baselines and historic waters claims:

An Act of Parliament to make provision for the delimitation of the territorial waters of Kenya, and for purposes incidental thereto

ENACTED by the Parliament of Kenya, as follows:

1. This Act may be cited as the Territorial Waters Act, 1972.

2. (1) Except as provided in subsection (4) of this section the breadth of the territorial waters of the Republic of Kenya shall be twelve nautical miles.

(2) The breadth of such territorial sea shall be measured in the manner set out in the Schedule to this Act calculated in accordance with the provisions of the Convention on the Territorial Sea and the Contiguous Zone done at Geneva on 29th April, 1958.

(3) For the purposes of Article 7 of the aforesaid Convention Ungwana Bay (sometimes known as Formosa Bay) shall be deemed to be and always to have been an historic bay.

(4) On the coastline adjacent to neighbouring States the breadth of the territorial sea shall extend to a Median Line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial waters of each of the respective States is measured.

SCHEDULE

The area of the territorial waters of the Republic of Kenya extends on the coastline adjacent to the High Seas to a line twelve International Nautical Miles seawards from the straight baselines, low water lines or low tide elevations, hereinafter described as follows:--

Commencing on the straight line joining Diua Damasciaca Island and Kiungamwina Island at the point at which this line is intersected perpendicularly by the Median straight line drawn from Boundary Pillar 29 (being the terminal pillar of the Kenya-Somalia land boundary),

thence continuing south westerly by a straight base line to Kiungamwina Island;

thence south westerly by a straight base line for about 7 km. to an unnamed island;

thence south westerly by a straight base line for about 25 km. to Little Head;

thence south westerly by a straight base line for about 11 km. to Boteler Island;

thence south westerly by a straight base line for about 45 km. to Ras Takwa;

thence south westerly by a straight base line for about 18 km. to Kinyika Island;

thence south westerly by a straight base line for about 9 km. to Tenewi Ya Juu Island;

thence south westerly by a straight base line for about 26 km. to Ziwaiu Island;

thence south westerly by a straight base line across Ungwana Bay for about 56 km. to the northermost point of Ras Ngomeni;

thence continuing generally along the low water line to Ras Wasini (provided that the following bays are internal waters and the inner boundary of the territorial sea shall follow the closing lines across their entrances

Sabaki River, Mida Creek, Kilifi Creek, Takaungu Creek, Mtwapa Creek, Mombasa and Kilindini Harbours, Mwachema River, Maftaha (Gazi) Bay, Funzi Bay);

thence southerly across the Wasini Channel to Ras Kisinga Mkoni;

thence by the low water line to Mpunguti Ya Chini Island;

thence southerly by a straight base line for about 3 km. to Mpunguti Ya Juu Island;

thence westerly by a straight base line for about 5 km. to Kisite Island;

thence westerly by a straight base line for about 18 km. to the terminal of the Kenya/Tanzania land boundary at Ras Jimbo.

c. MARITIME BOUNDARIES

MARITIME BOUNDARY: KENYA-TANZANIA

The following excerpts from an agreement via exchange of notes between the governments of the United Republic of Tanzania and the Republic of Kenya are extracted from Limits in the Seas, No. 92, "Maritime Boundary: Kenya-Tanzania," June 23, 1981:

1. The Boundary:

Base Lines:

- (a) Ras Jimbo beacon-Kisite Island (rock)
- (b) Ras Jimbo-Mwamba-wamba beacon
- (c) Mwamba-wamba beacon-fundo Island beacon (rock)
- (d) Fundo Island beacon (rock)-Ras Kigomasha lighthouse
- (e) Kisite Island (rock)-mpunguti ya Juu-lighthouse

2. The description of the boundary:

- (a) On the West: The median line between the Ras Jimbo beacon-Kisite Island/Ras Jimbo-Mwamba-wamba beacon base lines to a point 12 nm from Ras Jimbo up to a point hereinafter referred to as 'A', located at 4 49'56"S and 39 20'58"E;
- (b) On the East: The median line derived by the intersection of two arcs each being 12 nm drawn from mpunguti ya Juu-lighthouse and Ras Kigomasha lighthouse respectively hereinafter referred to as point 'B', located at 4 40'52"S and 39 36'18"E;
- (c) On the South: An arc with the centre as the Northern Intersection of arcs with radii 6 nm from point 'A' as described in paragraph 2(a) above and point 'B' which is the Southern Intersection of arcs from Ras Kigomasha lighthouse and mpunguti ya Juu lighthouse.
- (d) The eastward boundary from Point C, which is the Northern Intersection of arcs from Ras Kigomasha lighthouse and Mpunguti ya Juu lighthouse as described under paragraph 2(b) above, shall be the latitude extending eastwards [sic] to a point where it intersects the outermost limits of territorial water boundary areas of national jurisdiction of two States.
- (e) The marine charts of 1:250,000 describing the coordinates of the above points shall form an integral part of this agreement.